

Allenstown Paraprofessional Association, NEA-NH v. Allenstown School District, SAU 53,
Decision No 2012-097 (Case No. E-0117-1).

The Union filed an unfair labor practice complaint claiming that the District violated RSA 273-A:5, I (a), (b), (d), and (h) because it allegedly discriminated against and discharged an employee in retaliation for filing a grievance and voicing other complaints under various State and Federal Statutes. The District denied the charges and moved to dismiss on the grounds that the PELRB did not have jurisdiction over the claims of violation of Federal and State statutes other than RSA 273-A; that the complaint does not satisfy the requirements of Pub 201.02 (b); and that the complaint fails to assert any violation over which the PELRB would have jurisdiction.

The complaint was dismissed because, among other things, the PELRB had no jurisdiction over wrongful termination claims and claims under RSA 275:56 or Americans with Disabilities Act (see Decision 2011-170); the collective bargaining agreement did not provide for progressive discipline or that employees can only be disciplined/terminated for just cause; and there was insufficient evidence to support the Union's claim that the District's violated RSA 273-A:5, I (a), (b), (d), or (h).

Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.